

Before the  
Federal Communications Commission  
Washington, DC 20554

Feb 6 12:31 PM '04

In the Matter of )

Request for Review )

Lake Erie Educational Computer Association )  
Elyria, Ohio )

File No. SLD-226303

Schools and Libraries Universal Service )  
Support Mechanism )

CC Docket No. 02-6

**ORDER****Adopted: February 5, 2004****Released: February 6, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Lake Erie Educational Computer Association, Elyria, Ohio (Lake Erie).<sup>1</sup> Lake Erie requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we affirm SLD's decision and deny the Request for Review.

2. On October 11, 2001, Lake Erie submitted an incomplete FCC Form 486.<sup>3</sup> In a letter dated October 22, 2001, the SLD notified Lake Erie that the form was incomplete.<sup>4</sup> In response, Lake Erie submitted a corrected FCC Form 486 on October 25, 2001.<sup>5</sup> This form, however, was also rejected because Lake Erie failed to make the appropriate corrections. Specifically, the required certifications in Block 4, Items 11(a)-11(e) of the Form 486 were all blank.<sup>6</sup> Lake Erie submitted a completed Form 486 on December 11, 2001.<sup>7</sup> In its decision,

<sup>1</sup> Letter from Lloyd Wright, Lake Erie Educational Computer Association, to Federal Communications Commission, filed May 29, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda Moore, Lake Erie Educational Computer Association, dated October 22, 2001.

<sup>5</sup> See Letter of Appeal.

<sup>6</sup> See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linda Moore, Lake Erie Educational Computer Association, dated December 3, 2001.

SLD stated that because Lake Erie's corrected FCC Form 486 was submitted after the October 28, 2001 deadline, Lake Erie's service start date for Funding Year 2001 would be December 11, 2001, the date Lake Erie postmarked a complete FCC Form 486.<sup>8</sup> Lake Erie argues that its service start date should instead be July 1, 2001 because SLD provided misguided information regarding its Form 486.<sup>9</sup>

3. Construing Lake Erie's argument as a request for waiver of our rules, specifically, the October 28, 2001 filing deadline, we find that a waiver is not appropriate. The Wireline Competition Bureau has previously denied similar waiver requests for discounts on telecommunications services and Internet access, stating that the Commission may not waive a statutory deadline such as the October 28, 2001 deadline.<sup>10</sup> We conclude that our determination in the *East Carroll Order* applies to Lake Erie's Request for Review. Therefore, we affirm SLD's decision and deny the Request for Review.

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<sup>7</sup> See Letter from Lake Erie Educational Computer Association, to Federal Communications Commission, filed December 11, 2001.

<sup>8</sup> Under the Children's Internet Protection Act, Funding Year 2001 applicants were required to file their FCC Forms 486 by no later than October 28, 2001 unless their service began after that date or a funding commitment decision letter issued after that date. See 47 U.S.C. §§ 254(h)(5)(E), 254(h)(6)(E); *CIPA Order*, 16 FCC Rcd at 8188-89, 8191, paras. 10, 18. A Funding Year 2001 applicant with a funding commitment decision letter who failed to meet the October 28, 2001 deadline could obtain discounts only for services received on or after the date that its FCC Form 486 was postmarked. See Schools and Libraries Universal Service, Receipt of Service Confirmation Form, OMB 3060-0853 (July 2001); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (July 2001) at 9.


<sup>9</sup> See Letter of Appeal.

<sup>10</sup> See, e.g., *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591 (Wireline Comp. Bur. 2002) (*East Carroll Order*) (denying waiver request where SLD delayed for more than two months notifying applicant of incomplete FCC Form 486, because Commission may not waive statutory deadline). For applicants receiving discounts on Internet access or internal connections services, the October 28, 2001 deadline for certifications is a statutory requirement imposed by CIPA, and therefore cannot be waived. To the extent that an applicant sought only telecommunications services for Funding Year 2001, however, the Commission has authority to waive the deadline, because it is a Commission-imposed deadline with respect to telecommunications services only. See *Request for Review by Eastern Lebanon County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 5466 (Wireline Comp. Bur. 2003) (granting waiver request for telecommunications services for Funding Year 2001 where SLD unduly delayed notifying applicant of incomplete FCC Form 486).

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4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Lake Erie Educational Computer Association on May 29, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

  
Narda M. Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau